

March 24, 2003

Ex Parte – via Electronic Filing

Ms. Marlene Dortch
Secretary
Federal Communications Commission
Room TW-A325
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: CC Docket No. 97-213

Dear Ms. Dortch:

On March 12, 2003, Staci Pies of Level 3 Communications, LLC (Level 3) spoke with David Ward of the Industry Analysis and Technology Division, Wireline Competition Bureau regarding whether it was necessary for Level 3 to file an additional request for extension of time for compliance with the CALEA requirements for packet-mode providers. Level 3's original request for extension of time proposed a compliance date of April 1, 2003. Mr. Ward referenced the Sept. 28, 2001 Public Notice (PN)¹ which sets out the procedures for requesting an extension of the CALEA compliance deadline. According to Mr. Ward, this PN permits packet-mode providers a maximum of two years or until Nov. 19, 2003 to come into compliance with the CALEA requirements.² Given the permitted extension, Mr. Ward suggested that it was not necessary for Level 3 to file an additional request for extension of time.

Level 3 filed its Proposed Deployment Schedule and "Flexible Deployment Assistance Guide Template" with the CALEA Implementation Section of the FBI on September 17, 2001. In Level 3's filing with the FBI, it proposed a deployment date for CALEA compliance of April 1, 2003. As stated in its application for extension of time, the Legal Intercept Working Group of the International Softswitch Consortium (now known as the International Packet Communications Consortium (IPCC)) continues to proceed, in cooperation with the FBI and standards-setting bodies, to develop a "safe harbor" specification for packet-mode technologies.

¹ *The Common Carrier and Wireless Telecommunications Bureaus Establish Procedures for Carriers to Submit or Supplement CALEA Section 107(C) Extension Petitions, Both Generally and with Respect to Packet-Mode and Other Safe Harbor Standards*, Public Notice, DA 01-2243 (rel. Sept. 28, 2001) (Sept. 28 PN).

² Sept. 28 PN, paras. 7 & 17.

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Based on Mr. Ward's advice, Level 3 notifies the Commission that the CALEA requirements for packet-mode providers remain technically infeasible and will not be resolved by April 1, 2003. Level 3 continues to work with the IPCC and industry forums to achieve standards for packet-mode providers and will notify the Commission and FBI as necessary regarding its ultimate compliance date.

Please contact me if you have any questions.

Respectfully submitted,

/s/

Staci L. Pies

cc: David Ward

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